BOARD OF SUPERVISORS

MINUTES

June 25, 2004

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mr. Edward B. Barber, Vice Chrm.
Mrs. Renny B. Humphrey
Mr. R. M. "Dickie" King, Jr.
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Mr. Craig Bryant, Dir., Utilities
Ms. Marilyn Cole, Asst. County Administrator
Ms. Mary Ann Curtin Dir., Intergovtl. Relations
Ms. Rebecca Dickson, Dir., Budget and Management
Ms. Lisa Elko, CMC Clerk
Mr. Bradford Hammer, Deputy Co. Admin., Human Services
Mr. John McCracken, Dir., Transportation
Mr. Steven L. Micas, County Attorney
Ms. Chris Ruth, Asst. Dir., Public Affairs
Mr. James Stegmaier, Deputy Co. Admin., Management Services
Mr. M. D. Stith, Jr., Deputy Co Admin., Community Development
Mr. Kirkland A. Turner, Dir. of Planning

Lunch was served at 12:00 p.m. prior to the meeting.

Mr. Miller called the adjourned meeting to order at 1:00 p.m. He welcomed everyone to the extended work session on behalf of the Board of Supervisors.

Ms. Barbara Hulbert, facilitator for the work session, stated her role will allow Mr. Miller to participate in the discussion without having to focus on procedural issues. She further stated the work session is for discussion among the Board members and is not intended for public comment.

Mr. Ramsey highlighted growth management accomplishments in the county, including completion of 17 Comprehensive Plan amendments; establishment of a Rural Conservation Area; designation of areas for growth; substantial management of growth through the water and sewer extension policy; and adoption of stringent septic system and well requirements. He noted 60 percent of development in the county has occurred in the in-fill areas in the past five years. He stated the growth phasing report concluded that the current Comprehensive Plan will accommodate double the residential residences in the county, which equates to 50 years of growth; and the cost of public facilities is compatible with current financial policies and plans for schools, fire stations, parks and libraries, but does not accommodate roads. He further stated a Director of Revitalization position was recently created to strengthen redevelopment in the county. He stated the Board has put into place design standards to ensure quality development and longer economic life of the development that occurs in the county; enacted strategies to encourage redevelopment; created ordinances to ensure architectural compatibility and quality design; used Conditional Use Planned Development (CUPD) strategies to allow the tailoring of zoning cases to the character of the community and to meet the needs of the community as a whole; enacted a watershed and stream protection program; and provided growth phasing strategies by enacting cash proffers and using a business approach to set fees for development. He stated the county has aggressively required the development community to build road infrastructure as development occurs. He noted the county has a strong Public Facilities Plan and Capital Improvement Program. He reviewed the housing growth rate from 1975 through 2003, stating that it has been very balanced since the early 1990's. He reviewed projected housing growth from 2004 to 2010. He reiterated that the growth phasing analysis indicated that with the exception of roads, the county's financial policies can support the future cost of facilities.

Mr. Micas presented a summary of strategies to accelerate infrastructure improvements and moderate growth rate. He stated the first option for the Board's consideration is expansion of the cash proffer policy by increasing the cash proffer amount to include up to 100 percent of the cost of development impact on public facilities.

Ms. Dickson reviewed cash proffers from FY1991 until FY2005 and cash proffer revenue collected from FY1991 through FY2004. She noted that approximately 18 percent of the county's Capital Improvements Program (CIP) and approximately ten percent of the schools' CIP is comprised of cash proffer revenue. She reviewed road cash proffers appropriated and collected in the 19 traffic sheds. She provided a comparison of cash proffer amounts in other jurisdictions.

Mr. Ramsey stated Chesterfield is the only locality that does not charge cash proffers for business development.

Mr. Warren inquired whether any localities collect cash proffers prior to the time of application for a building permit.

Mr. Allan Carmody, Budget Manager, stated he has seen references in the policies of some jurisdictions that they would like to see the proffers collected at the time of recordation.

Discussion ensued relative to the methodology for calculating cash proffers in Prince William and Spotsylvania counties compared with Chesterfield's calculation of cash proffers.

When asked, Mr. McCracken stated cash proffers for roads are calculated based on current costs with adjustments for inflation.

Mr. Miller stated the county is collecting about 20 percent less than the actual calculated cash proffer amount of $11,549.

When asked, Ms. Dickson stated if the Board adopted a new cash proffer amount today, it would become effective immediately for all new zoning applications. She further stated the Board's past practice has been that a new cash proffer amount would not impact applicants that have already appeared before the Planning Commission.

It was generally agreed that the Board would discuss all of the other options for expanding the cash proffer policy prior to making a decision on increasing the cash proffer amount.

Mr. Micas stated another option for expanding the cash proffer policy is to accept 100 percent of the cash proffer for residential development in deferred growth areas; recognize various "credits" to that cash proffer amount in existing in-fill or growth areas, noting this is typically referred to as a differential cash proffer. He provided an example of a differential cash proffer and inquired whether the Board wants to direct the Planning Commission to aggressively review differential cash proffers.

In response to Mr. Barber's question, Mr. Ramsey stated the Planning Commission moved forward on the growth phasing analysis and Public Facilities Plan rather than addressing differential cash proffers.

Mr. Micas stated another option to expand the cash proffer policy is to update the transportation methodology to recognize current understandings that residential growth generated automobile traffic typically allocated to commercial growth. He further stated that, since 1991, the Board has encouraged economic development by not imposing cash proffers on commercial and industrial uses, noting that this has resulted in underfunding of approximately one-third of the road needs generated since that time. He stated current methodology indicates that residential growth is causing the traffic, and the Board could change its methodology for road cash proffers to pick up some of the commercial demand because of residential growth. He stated everyone agrees there is a need for additional funding for roads and an option for dealing with it is imposing a commercial cash proffer for roads or computing the demand for commercial use on residential road proffers.

Mr. King stated large businesses will locate in the county because of the populous regardless of the cash proffers. He further stated he believes imposition of cash proffers will have a negative impact on small businesses and inquired whether transportation cash proffers could be imposed upon commercial development based upon the size of the proposed business.

Mr. Micas reviewed the next option for expanding the cash proffer policy – eliminating the concept of "density credits" for lots that could be built under "old" zoning or "road stripping." He provided scenarios where "density credits" might be eliminated.

Discussion ensued relative to using “density credits” as a negotiating tool on a case-by-case basis.

Mr. Micas stated the last option for the Board’s consideration to expand the cash proffer policy is to calculate the cash proffer amount at the time the Board makes the zoning decision rather than the time of application for zoning. He referenced the time delay in the Southern Land case, indicating that the county would have received an additional $2,870,400 if the calculation had been made at the time of the zoning decision.

Mr. King stated the county is sometimes responsible for the time delay and he believes the Board should be sensitive to that before acting on this option.

Mr. Barber stated he agrees with Mr. King.

Discussion ensued relative to the Planning Commission’s review of differential cash proffers.

When asked, Ms. Dickson stated $11,500 is the calculated cost, based on current methodology, to address 100 percent of development impact on public facilities.

Mr. Barber stated $11,500 represents a county-wide average. He further stated the Board may want to provide an incentive for development in certain areas through differential cash proffers.

Mr. Ramsey stated when the Board adopted $9,000 as the maximum cash proffer two years ago, the development community requested that the Board allow them to do a study to determine the impact of development on public facilities, indicating that the study has never been received. He further stated staff delayed updating the Board with cash proffer figures while waiting on the study, noting that the Board is actually a year behind its normal schedule for adjusting cash proffers.

Mr. Warren stated $11,500 is an accurate figure and anything less than that will not be pleasing to the community.

Mr. King stated he believes it is reasonable to take a look at differential cash proffers.

Mr. Miller expressed concerns that lowering cash proffers in in-fill areas might result in not attracting the quality of development desired. He stated he supports identifying “hot spots” where the cash proffer may need to be increased to fully address the impact of development on public facilities.

Mr. Miller made a motion for the Board to increase the maximum cash proffer amount from $9,000 to $11,500 per lot and eliminate the concept of “density credits” for lots that could be built under “old” zoning or road stripping.

Mr. Warren seconded Mr. Miller’s motion.

Mr. Miller stated he is not comfortable with the commercial aspect of changing the methodology for calculation of transportation cash proffers.

Mr. Barber suggested that the option for changing the transportation methodology be a part of the Planning Commission's differential cash proffers discussion.

Discussion ensued relative to the concept of differential cash proffers.

Mr. Micas cautioned that Board members have provided a variety of thoughts regarding the concept of differential cash proffers and and suggested that the Board direct the Planning Commission to provide a defined version of a differential cash proffer.

It was the consensus of the Board to direct the Planning Commission to review the issue of differential cash proffers.

Mr. Warren suggested that the Board set a time period for the Planning Commission to report back on differential cash proffers.

It was generally agreed to direct the Planning Commission to report back to the Board on the subject of differential cash proffers within six months.

Mr. Miller made a substitute motion, seconded by Mr. Warren, for the Board to increase the maximum cash proffer amount per lot from $9,000 to $11,500.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

After brief discussion, Mr. Miller made a motion, seconded by Mrs. Humphrey, for the Board to direct the Planning Commission to review the issues of differential cash proffers, updated transportation methodology to recognize current understandings that residential growth generates automobile traffic typically allocated to commercial growth, and calculation of cash proffer amount at the time the Board makes zoning decisions rather than at the time of application for zoning, and report back to the Board by December 31, 2004.

Discussion ensued relative to eliminating the concept of "density credits" for lots that could be built under "old" zoning or road stripping.

Mr. Ramsey stated it is staff's position that eliminating the concept of "density credits" for lots that could be built under "old" zoning puts staff in a better position on the "old" zoning to raise development to the highest level and to negotiate a cash proffer.

Mr. Micas stated the Board could include in its written policy that upgrading development standards would normally be a justification for reducing cash proffers.

Mr. Barber stated this would address his concerns.

Mr. Micas stated the language regarding upgrading of development standards could be included in the motion.

It was generally agreed that the motion would include eliminating the concept of “density credits” for lots that could be built under “old” zoning or road stripping, with the inclusion of a statement in the cash proffer policy that upgrades in development standards would normally be a justification for reducing cash proffers.

Mr. Miller called for a vote on his motion, seconded by Mrs. Humphrey, for the Board to direct the Planning Commission to review the issues of differential cash proffers, updated transportation methodology to recognize current understandings that residential growth generates automobile traffic typically allocated to commercial growth, and calculation of cash proffer amount at the time the Board makes zoning decisions rather than at the time of application for zoning, and report back to the Board within six months.

And further, the Board eliminated the concept of “density credits” for lots that could be built under “old” zoning or road stripping, with the inclusion of a statement in the cash proffer policy that upgrades in development standards would normally be a justification for reducing cash proffers.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Miller requested a five-minute recess.

Reconvening:

Mr. Micas continued to summarize strategies to accelerate infrastructure improvements and moderate growth rate. He stated another option the Board might consider is to add a road improvement question to the November 2004 bond referendum, which identifies prioritized projects.

Mr. McCracken reviewed county roads that currently have capacity problems as well as current roads with capacity or safety problems, indicating it would cost approximately $280 million to address all of these issues. He then reviewed the projects scheduled to be built in the Six-Year Plan.

Mr. Barber expressed concerns that funding for the projects in the Six-Year Plan is continuously being delayed; therefore, the accuracy of the funding information in the Six-Year Plan is not reliable.

Mr. McCracken reviewed recommended bond referendum projects for 2005-2010 totaling $40 million. He stated he believes it is important for the state to understand that, even if the road projects are approved through a bond referendum, the county still expects them to live up to their commitments.

Mr. Barber noted the only source of revenue that would significantly impact roads in the county is a meals tax. He stated a four percent meals tax would provide $10 million in revenue and $10 million in revenue would provide the county with approximately $100 million in available road funding. He requested that the Board consider whether citizens should be asked to vote on bonds for roads that he believes will raise their expectations that a significant impact can be made on road capacity and safety when there will only be $40 million available.

Mr. Miller stated he is not fond of a meals tax and noted the General Assembly could be considering a gas tax increase in 2005.

Mr. Miller made a motion, seconded by Mr. Warren, for the Board to add a road improvement question to the bond referendum in November 2004 which identifies prioritized projects covering the entire county that would necessitate $35-40 million in borrowing.

Mr. Ramsey stated if the motion is approved, staff will add the question to the advertisement for the public hearing set for July 28, 2004 for the Board to consider adopting a resolution authorizing the county to contract debt and issue general obligation bonds and requesting the Circuit Court to order an election on the questions of contracting debt and issuing general obligation bonds to finance public improvements.

When asked, Mr. Ramsey stated the specific projects that will be funded with the $40 million will not be determined prior to the July 28th public hearing. He further stated the projects will be determined prior to providing the public with information regarding the bond referendum.

Mr. Miller called for a vote on his motion, seconded by Mr. Warren, for the Board to add a road improvement question to the November 2004 bond referendum to be considered at a public hearing on July 28, 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. McCracken reviewed long-range road needs based on growth phasing land-use patterns, totaling $1.8 billion over a 50-year period, indicating that the county could expect the state to provide approximately $1 billion in funding for these needs.

Mr. Micas reviewed the next option for the Board's consideration – expansion of the program to loan county funds to VDOT in order to "advance" road construction and "refund" money to the county in later years of state funding. He stated the Board's action to "loan" $1 million to VDOT to build a west-bound lane on Route 360 was met with some bureaucratic resistance by the state and questions were raised by Mr. Miller regarding the uncertainty of getting the money back from the state. He noted this option would authorize introduction at the next General Assembly session clarification and a mandate that VDOT must participate in any program in which local governments are willing to "upfront" road projects and guarantee that the money be returned through the Six-Year Plan.

In response to questions from Board members, Mr. Micas stated the action would formalize the county's opportunity to loan money and also to guarantee that the money would be returned in future allocations.

Mr. Barber stated the county might want to consider funding only projects that are not on the Six-Year Plan so that those priority projects stay in front of VDOT.

Mr. McCracken stated the Board is in control of secondary road projects because the funding formula is precise. He further stated, if the county starts funding projects such as Huguenot Road, Route 360 or Chippenham Parkway, VDOT has funding discretion in this area.

Mr. Miller stated he would like the language of the option to include, "provided no funds would be advanced unless there was legislation in place with some assurance that the county would be refunded should VDOT not go forward with the projects identified."

Mr. Micas stated staff will ensure a refund guarantee.

Mr. Warren stated the Six-Year Plan is revised annually and projects will always be added to the plan regardless of what projects are funded.

Discussion ensued relative to requesting federal funding for road projects.

Mr. McCracken stated he believes this action would provide an opportunity for the county to show the federal government what is being done on a local level and request matching funds.

Mr. Warren made a motion, seconded by Mr. King, for the Board to add to the county's 2005 General Assembly legislative package an item requiring VDOT to participate in local government "loans" to accelerate road improvements and insuring that the "loan" would be repaid in future VDOT allocations.

Ayes: Warren, Barber, Humphrey, King and Miller.
Nays: None.

Mr. Micas reviewed the next option – upgrading residential development standards and establishing differential development standards. He noted this option would allow the Board to establish higher standards in certain areas to discourage growth.

Mr. Humphrey stated she would like to send this issue to the Planning Commission, but not as a priority.

Mr. Barber stated he believes the Planning Commission could consider this issue along with differential cash proffers.

Mr. Warren made a motion, seconded by Mr. Miller, for the Board to refer to the Planning Commission the option of upgrading residential development standards and establishing differential development standards to prepare a recommendation for the Board of Supervisors without a priority deadline.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Micas reviewed the next option – revising the land use portion of the county's Comprehensive Plan to provide maximum densities in certain areas coupled with a 12-month deferral of all residential cases to provide time to consider any recommendations.

Mr. Glenn Larson, Assistant Director of Planning, reviewed the concept of maximum densities and tying them into a 12-month deferral. He stated that, as evaluations of the various components of the Comprehensive Plan are done, staff is always looking at issues relating to maximum densities in land use recommendations, indicating that maximum densities serve as a major foundation for rezoning decisions. He further stated this is an ongoing process that has been undertaken for many years. He stated the second element of this option is a 12-month deferral of residential cases associated with this process, indicating that 12-month deferrals may not be necessary in every plan review process.

Mr. Ramsey noted staff is not necessarily recommending the option, but it is a potential tool to moderate growth rate.

After brief discussion, it was the consensus of the Board to take no action on the option relative to providing maximum densities in certain areas coupled with a 12-month deferral.

Mr. Micas reviewed the next option available to the Board – elimination of the R-12 zoning category. He stated R-12 is the zoning category that requires a minimum of 12,000 square feet per lot and noted this would have to be referred to the Planning Commission because it requires a zoning ordinance amendment.

Mrs. Humphrey stated the Board discussed this several years ago with the elimination of R-9 zoning. She further stated she believes, at that time, there was engineering data relative to the value of R-12 zoning to in-fill in redevelopment areas. She suggested that this option be referred to the Planning Commission.

Mr. Miller stated the Board might want to consider asking the Planning Commission to review the concept of differential zoning classifications in certain areas along with increasing R-12 to R-15 zoning.

Mr. Barber expressed concerns relative to classifying the county outside of affordability. He noted conditional use permits allow for smaller lots and open space. He stated he has no problem with sending this to the Planning Commission, not with an emphasis on elimination of R-12 zoning, but with emphasis on providing a comprehensive package of zoning classifications to the Board.

Mr. Miller stated the Dale District has a great deal of R-7 and R-9 zoning, and he would like the opportunity to require in-fill development at a higher classification.

Discussion ensued relative to the new urbanism concept.

Mr. Miller made a motion, seconded by Mr. King, for the Board to refer to the Planning Commission the elimination of R-12 zoning, with an emphasis on providing a comprehensive zoning classification package to the Board.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Micas reviewed the option to eliminate opportunities to exempt new development from requirements to connect with adjacent areas. He stated the lack of connectivity increases the demand to improve other roads. He provided examples of developments where connectivity is an issue.

Mr. Barber stated he would like to see the Board set a standard for connectivity. He inquired whether standards could be calculated to take into consideration levels of service of surrounding roads if connections were not provided.

Mr. McCracken stated this type of information could be calculated; however, in most cases there would probably be only marginal differences in the levels of service.

Mr. Miller stated the connectivity policy has been deferred to a later date and the Board will have an opportunity to discuss this issue at that time.

Mr. Barber stated he will discuss the idea of quantifying the removal of connectivity with Mr. McCracken prior to July 28th.

Mr. Micas stated the road network has historically been an administrative matter and has just become integrally related to zoning decisions in the past five to ten years.

It was generally agreed that this option would be discussed at a later date with the connectivity policy.

Mr. Micas reviewed the option to increase requirements as preconditions to using “family subdivisions” in order to avoid abuses by developers seeking to avoid requirements of the subdivision ordinance. He stated the Planning Commission has already recommended approval of an ordinance that would create a two-year waiting period before a transfer and a five-year period once a transfer has been made to a family member.

In response to Mrs. Humphrey’s question, Mr. Micas stated the ordinance also identifies hardship cases where property must be dispensed.

No action was taken on this item because a public hearing has been advertised for July 28, 2004 for the Board of Supervisors to consider an ordinance recommended by the Planning Commission relative to “family subdivisions.”

Mr. Micas reviewed the option to create a new zoning category for emerging “urbanism” residential designs. He stated the new zoning district would be crafted with incentives rather than having to rely on a Conditional Use Planned Development.

Both Mr. Miller and Mr. King stated they support the new zoning category.

On motion of Mr. Miller, seconded by Mr. King, the Board directed staff to prepare a recommendation for a new zoning category for emerging “urbanism” residential designs for consideration by the Planning Commission.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

It was generally agreed that the Board recess for ten minutes.

Reconvening:

Mr. Micas reviewed additional items for preliminary consideration at the option of the Board. He stated the first item for the Board’s consideration is expansion of cash proffers for roads to subdivisions by accepting cash proffers for roads as part of subdivision approval. He noted this option is only available for zoning that pre-dates cash proffers.

In response to Mr. Barber’s question, Mr. Micas stated, if the Board approved this option, the General Assembly could take the authority away from the county in 2005. He further stated a request could be denied because the applicant had not addressed the impact of the proposed development on roads, and litigation could ensue.

In response to Mrs. Humphrey’s question, Mr. Micas stated Magnolia Green would be subject to this proposal, if adopted.

Mr. Warren made a motion, seconded by Mrs. Humphrey, for the Board to refer the option to expand cash proffers to subdivisions by accepting cash proffers for roads as part of subdivision approval to the Planning Commission for review.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Micas stated another option for the Board’s consideration is to accelerate payment of cash proffers to the subdivision recordation stage rather than at the building permit stage.

Mr. Miller expressed concerns that a developer may never build on a recorded lot.

Mr. Micas stated the homebuilding industry would not support this option because it pushes the developer’s upfront capital cost much further in advance of the sale of lots.

Mr. Barber expressed concerns that a developer does not receive a cash flow until he starts selling lots. He stated some developers could not have completed projects if the cash proffers were required up front and inquired whether this makes sense from the private sector's business standpoint.

Mrs. Humphrey expressed concerns that this option would significantly impact small businessmen.

Mr. Miller stated he believes the option is unreasonable.

It was generally agreed that no action be taken on the option to accelerate payment of cash proffers to subdivision recordation stage rather than at the building permit stage.

Mr. Micas stated the next option for the Board's consideration is adoption of a meals tax to fund infrastructure.

Ms. Dickson stated both Henrico and Hanover counties are considering a meals tax. She then reviewed meals tax percentages for the region.

Mr. Barber suggested that Mr. Ramsey coordinate with Henrico and Hanover to determine if a regional approach can be taken for a meals tax even though it is a local source of revenue.

Mr. Miller stated he does not like the idea of a meals tax and expressed concerns that the tax would specifically target the restaurant industry. He further stated he would want to review the entire budget and determine where revenues could be increased and expenditures decreased before adopting a meals tax.

Mr. Barber stated the county has limited sources of revenue and a meals tax is a revenue option for the county. He further stated he sees a critical need in transportation and does not see an answer to that critical need. He stated he agrees that the November 2004 election could be problematic for considering a meals tax, but indicated that at some point, the Board must consider a way to address its transportation needs.

Mr. Warren stated he believes it is critical that the bond referendum be approved in November and suggested that the county let Henrico take a lead in proposing a meals tax and see if it is approved by the voters.

No action was taken on the option to adopt a meals tax to fund infrastructure improvements.

Mr. Micas reviewed the next option for the Board's consideration – implementing a "payment in lieu of taxes" policy for Utilities Department facilities to help fund county capital needs created by growth. He stated this would generate approximately $1.2 million annually, which could be spent exclusively for capital needs. He further stated average water and sewer customer bills would increase from $66.66 to $68.28.

When asked, Mr. Micas stated the proposal would result in a rate increase on users of the water and sewer system that would be used for general capital needs.

Board members expressed concerns relative to the increased burden this option would place on taxpayers.

No action was taken by the Board on the “payment in lieu of taxes” policy.

Mr. Micas reviewed the option for comprehensive rezoning of Agricultural acreage in the deferred growth area and all high-density residential to a new “Residential Plus” zoning category providing for residential and commercial/office development depending on compliance with specified development criteria. He stated this would provide an alternative to down-zoning, which is virtually legally impossible in the state and would create incentives for developers to provide lower density residential zoning than the pre-existing R-12 zoning. He noted this would apply only to lots that have been zoned but are not developed.

Mr. Ramsey stated this option would allow developers to trade off higher costing development standards for providing lower density residential development.

Mr. Micas stated the proposal would assist the county in correcting areas where the existing zoning is too dense. He further stated this option has been done in other jurisdictions in the state.

Mrs. Humphrey inquired how properties would be selected to reevaluate the development standards.

Mr. Micas stated the Board would decide that the density was too high in certain areas and would establish “Residential Plus” zoning on a case-by-case basis.

Mr. Barber inquired whether the Board could stipulate that any existing R-7 or R-9 become “Residential Plus.” He stated he is not anxious to eliminate R-12 zoning, but believes “Residential Plus” zoning could allow the Board to raise the standards on very old zoning without impact fees. He further stated he does not want to see a future of nothing but R-40 development in the western end of the county, indicating that he believes a good solid mixture should be offered to citizens.

Mr. Miller stated he agrees with Mr. Barber relative to providing affordable homes. He referenced a pending Dale District zoning case for 800 homes in an old R-7 zoning district, and stated he would like to have the option of “Residential Plus” zoning, indicating that it might fit well in his district.

On motion of Mr. King, seconded by Mr. Barber, the Board directed staff to prepare a recommendation for creating a new zoning category for “Residential Plus” for consideration by the Planning Commission.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Micas reviewed the next option for the Board’s consideration – developing an approach in which certain areas hit a hot spot “tip point.” He stated higher levels of development standards would take effect if residential growth exceeded a certain level until the growth rate was reduced to a certain level.

In response to Mr. Barber’s question, Mr. Micas stated this concept would only affect areas of the county that exceed a certain percentage of growth annually. He further stated the 25-neighborhood map would probably be the best approach in determining hot spots.

Discussion ensued relative to applying this concept at the building permit, zoning, or subdivision/site plan levels.

In response to Mr. Miller’s question, Mr. Micas stated new zoning or new subdivisions would not be approved in hot spot areas that reach a “tip point” unless certain criteria are met.

Mr. Barber made a motion, seconded by Mr. King, for the Board to direct staff to prepare options relative to the “tip point” concept for consideration to the Board of Supervisors that would then be sent to the Planning Commission.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Micas reviewed the next option – increasing setback requirements for side yards in residential zoning districts. He stated this can be done on pre-existing lots that are not subdivided and would be effective at subdivision stage.

Mr. Barber expressed concerns that all lots are not square. He stated he believes the Board should be looking at how to increase community open space. He further stated allowing smaller lots with a trade-off for open space or some other public amenity does not bother him, indicating that he is skeptical about increasing side yard requirements with no public trade-off.

When asked, Mr. Micas stated the option could be applied only to certain zoning categories.

Mr. Barber inquired whether this option would be redundant if a “Residential-Plus” zoning category was created.

Mr. Micas stated the option to increase setback requirements would apply throughout an entire residential district and “Residential-Plus” would be very site specific and would unlikely have the same county-wide effect.

After brief discussion, on motion of Mrs. Humphrey, seconded by Mr. Barber, the Board directed staff to prepare options for increasing setback requirements for side yards in R-7 and R-9 zoning districts to be considered by the Planning Commission.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Micas stated the next option for the Board’s consideration is the exclusion of undevelopable acreage from minimum lot sizes, indicating that this would result in fewer lots per subdivision.

Mrs. Humphrey expressed concerns that excluding undevelopable acreage from minimum lot sizes might be viewed as a taking of the property because landowners pay the taxes on undevelopable acreage.

Mr. Miller stated he does not view this as a taking, indicating that he believes more dense developments are created as a result of the inclusion of undevelopable acreage in determining gross density.

It was generally agreed that the Board take no action at this time on the option to exclude undevelopable acreage from minimum lot sizes.

Mr. Micas stated the next option for the Board's consideration is to reduce road stripping by increasing mandatory road frontage.

Mrs. Humphrey stated the Board just dealt with this a couple of years ago, noting that acreage will not change as a result of this action. She further stated she does not believe road stripping has become too much of an issue in the Matoaca District.

Mr. Barber expressed concerns relative to dangerous conditions that occur when driveways are access points onto roads that become fully developed with fast moving traffic, citing Courthouse Road as an example.

Mr. Miller stated he believes the road stripping issue has become more of a problem in the county.

Mr. Barber stated the issue involves roads that may not be a problem today, but could turn into four lanes in the future as a result of increased traffic from development surrounding the roads. He further stated he believes the issue needs to be addressed and would like to refer it to staff.

Mrs. Humphrey stated she could support increasing mandatory road frontage if staff can provide details about how this would address the "flag lot" issue.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board directed staff to review road frontage/road stripping as well as the "flag lot" issue for a recommendation to the Board of Supervisors.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Mr. Micas stated the next option for the Board's consideration is eliminating all county contributions within the sewer and water extension policy for offsite extensions or oversizing. He further stated the county is not legally required to provide the refund, indicating that it would amount to approximately $350,000 in loss of refunds to developers per year.

Mr. Ramsey stated the purpose of this option would be a disincentive to "leapfrog" development.

Discussion ensued relative to the current policy to refund developers for the cost of oversizing and the fact that subsequent developers receive a “free ride” on utility lines paid for by a previous developer.

Mr. Ramsey stated the only way to address this issue would be to create assessment districts.

After further discussion, it was generally agreed that the Board take no action on the option to eliminate all county contributions within the sewer and water extension policy for offsite extensions or oversizing.

Mr. Miller thanked the Board members for their conscientious work. He suggested that the options requiring General Assembly legislation be reviewed at another time.

Mrs. Humphrey requested that the Board begin discussions regarding the county’s 2005 legislative program no later than September 2004.

Ayes: Miller, Barber, Humphrey, King and Warren.
Nays: None.

Ms. Hulbert congratulated the Board on their diligent work.

Mrs. Humphrey made a motion, seconded by Mr. King, for the Board to recess for dinner.

Reconvening:

It is noted Mr. Warren did not return to the meeting following the dinner break.

Ms. Hulbert stated the Board has done a great job and it has been a pleasure working with them.

Mr. King expressed appreciation to Ms. Hulbert for her assistance and also to Mr. Miller for his leadership.

Mrs. Humphrey thanked Mr. Miller for suggesting the work session. She stated she believes the Board’s actions today will strengthen the county and she is very happy with the outcome of today’s session.

Mr. Miller thanked everyone who played a part in the work session. He stated he is amazed at all the Board accomplished in one day.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adjourned at 6:10 p.m. until July 28, 2004 at 3:00 p.m. in the Public Meeting Room for the next regularly scheduled meeting.

Ayes: Miller, Barber, Humphrey and King.
Nays: None.
Absent: Warren.

Lane B. Ramsey County Administrator	Kelly E. Miller Chairman